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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,042	02/09/2001	Sun Ming Lieu	020004-000710US	7563
20350	7590	03/24/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			AKERS, GEOFFREY R	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	09/181042	Applicant(s)	Cox
Examiner	Alexis, J	Art Unit	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 2/9/01
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-65 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

- a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

- a) The translation of the foreign language provisional application has been received.

- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 10
- 4) Interview Summary (PTO-413) Paper No(s). _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-65 are rejected under 35 USC 103(a) as unpatentable over Burge(US Pat. No: 6,014,638) in view of Lupien(US Pat. No: 6,012,046).

2. As per claims 1-65 Burge teaches a system for customizing content and presentation of content for computer users(Abstract)(col 3 line 45-col 4 line 30).Burge also teaches monitoring and recording a user's navigational choices(col 7 lines 26-30) to determine the user's needs and preferences for subsequent computer displays(Fig 2A)(col 6 lines 50-67). Burge also teaches that displays are customized in accordance with the user's needs and preferences(Fig 2B/48)(col 6 lines 40-43). Burge also teaches an electronic shopping and marketing system accessible via the world-wide-web(col 4 lines 52-56). Burge further teaches that the shopping environment and the content presented to the shopper and presentation of displays is customized (Fig 2B)(col 7 lines 6-11). Burge also teaches that the functions of data collection and display customization are performed automatically by the electronic shopping system(col 7 lines 39-46). Burge teaches to customize the environment various attributes of Web pages or displays provided by participating merchants are modified as they are accessed by users of the system(Fig 2B/32).Burge also teaches a merchant's option database(Fig 2B/34) as well as a user profile database(Fig 2/18) and general display variables(Fig 2B/42) derived from a variable display characteristics database(Fig 2B/44). Although Burge does not specifically disclose the use of vendor rules, Lupien teaches(col 3 line 65-col 8 line 51)

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a crossing network that matches buy and sell orders based upon a satisfaction and quantity profile that includes a number of trader terminals that can be used to enter orders(Abstract)(Fig 1).Lupien teaches that the overall architecture of the crossing network includes a central matching controller that matches buy and sell orders transmitted to it from the trader terminals(col 6 lines 15-29). Lupien also teaches that orders are entered into the system in the form of a satisfaction density profile that represents a degree of satisfaction to trade a particular instrument at particular price and quantity parameters(col 6 lines 40-65). Lupien teaches that the orders are buy and sell orders and that the matching controller computer can receive as input the satisfaction density profiles entered at the trading terminals(col 6 lines 59-60). The matching controller computer matches orders as measured by each trader's satisfaction density profile so that each trader is assured that the overall outcome of the process in terms of average price and size of fill has maximized the mutual satisfaction of all traders(col 10 line 40-col 11 line 16). Lupien also teaches that the matching process can be continuous or batched or a related combination(col 12 line 46-col 15 line 15)(Fig 8). Lupien also teaches that unmatched satisfaction density profiles are used to provide spread and pricing information(col 11 line 21-col 12 line 45).Lupien also teaches that market depth can be derived from the aggregate density profile(col 11 lines 60-65). It would have been obvious to one skilled in the art at the time of the invention to combine Burge in view of Lupien to teach the disclosure. The motivation to combine is to teach a method for conducting e-shopping to continuously satisfy the buying and selling desires of market participants as enunciated by Lupien(col 3 lines 40-43).

Claim Rejections - 35 USC § 101

3. Claims 47-65 are further rejected for failing to provide a concrete, useful and tangible result.

Claim Rejections - 35 USC § 112

4. Independent claims 1,18,20,24,41-43,47,64-65 are further rejected under 35 USC 112(2nd) for failing to adequately define the invention. These independent claims are indefinite.

Conclusion

5. **THIS ACTION IS MADE NON-FINAL.**

6. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

GRA

March 20, 2004

**DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER**